



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/718,696

11/24/2003

Takahiro Miwa

02-343144

3229

21254

7590

02/06/2007

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

02/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/718,696	Applicant(s) MIWA, TAKAHIRO	
	Examiner Tilahun B. Gesessse	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-10 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/06 & 1/3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 16, 2006 have been fully considered but they are not persuasive.

On page 9 second paragraph through page 10 first line of response applicant argued that Imagawa does not teach displaying multiple thumbnails of pictures or images such that the user can see their contents at a glance, let alone two sets of still images.

The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., displaying multiple thumbnails of pictures or images such that the user can see their contents at a glance, two sets of still images.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further more, Imagawa teaches display photo clips in a number of frames as shown in figure 4 and page 5, lines 0086-0088) and paragraph 0107) in which still image and thumbnail images disclosed that the user can see the photos at a glance.

On page 10 third paragraph of response applicant argued that Yi does not teach or suggest a frame display screen displaying still image selected on the image display screen for animation display.

The examiner disagrees. Yi teaches an appropriate service may then be selected from various services images , still animation and live animation—if the user selects the option for receiving image , images transmitted receives every 20minuts , (see column 10, line 58 through column 11, lines 17-53).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2,6-7,11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi (US 7,003,040) in view of Imagawa et al (US 2002/0031262 A1).

Claim 1, Yi teaches a cellular telephone set capable of displaying still images on screen (see figs,2-3 and col. 2,lines 47-65).

Yi teaches displaying an image display screen (see figs. 2-3).

Yi teaches a frame display screen selected on the image display screen for animation display per frame number form simultaneously with each other a display screen (see col.10, lines9-18 and figs.2-3). Yi teaches an appropriate service may then be selected from various services images , still animation and live animation—if the user selects the option for receiving image , images transmitted receives every 20minuts , (see column 10, line 58 through column 11, lines 17-53).

Yi does not teach thumbnail form contents of images displaying still images can be seen at a glance.

However, Imagawa teaches thumbnail form consists of images display can be seen at a glance (page 2, paragraph 0021-0026 and page 6, paragraph 0107 and fig 4 and column 2, paragraph 0026, the image sequence selected in the frame selecting , clip out the image sequence, select the first image in the image sequence as display image). Imagawa teaches display photo clips in a number of frames as shown in figure 4 and page 5, lines 0086-0088) and paragraph 0107) in which still image and thumbnail images disclosed that the user can see the photos at a glance.

Both Yi and Imagawa teaches still image display animate image, then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to store thumbnail form consecutive image in the Yi system, as evidenced by Imagawa , in order to, in an organized manner , easy to manage the consecutive frames of photographs at the display by selecting a frame of photo for view.

Claims 2,7,12 Yi teaches the still images are still images consecutively picked up by a consecutive photographing function using a digital camera (16) (column 4, lines 42-52 and fig.2).

Claim 6. Yi teaches A self-produced animation setting method of consecutive images of cellular telephone capable of displaying still image on a display screen (see figs,2-3 and col. 2,lines 47-65).

Yi teaches displaying an image display screen (see figs. 2-3).

Yi teaches a frame display screen selected on the image display screen for animation display per frame number form simultaneously with each other a display screen (see col.10, lines9-18 and figs.2-3). Yi teaches an appropriate service may then be selected from various services images , still animation and live animation—if the user selects the option for receiving image , images transmitted receives every 20minuts , (see column 10, line 58 through column 11, lines 17-53).

Yi does not teach thumbnail form contents of images displaying still images can be seen at a glance.

However, Imagawa teaches thumbnail form consists of images display can be seen at a glance (page 2, paragraph 0021-0026 and page 6, para 0107 and fig 4) column 2, paragraph 0026, the image sequence selected in the frame selecting , clip out the image sequence, select the first image in the image sequence as display image). Imagawa teaches display photo clips in a number of frames as shown in figure 4 and page 5, lines 0086-0088) and paragraph 0107) in which still image and thumbnail images disclosed that the user can see the photos at a glance.

Both Yi and Imagawa teaches still image display animate image, then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to store thumbnail form consecutive image in the Yi system, as evidenced by Imagawa , in order to, in an organized manner , easy to manage the consecutive frames of photographs at the display by selecting a frame of photo for view.

Claim 11, Yi teaches a computer executable program of a self-produced animation setting method of consecutive images of cellular telephone capable of displaying still image on a display screen, (see figs,2-3 and col. 2,lines 47-65).

Yi teaches displaying an image display screen (see figs. 2-3).

Yi teaches a frame display screen selected on the image display screen for animation display per frame number form simultaneously with each other a display screen (see col.10, lines9-18 and figs.2-3). Yi teaches an appropriate service may then be selected from various services images, still animation and live animation—if the user selects the option for receiving image, images transmitted receives every 20minuts, (see column 10, line 58 through column 11, lines 17-53).

Yi does not teach thumbnail form contents of images displaying still images can be seen at a glance.

However, Imagawa teaches thumbnail form consists of images display can be seen at a glance (page 2, paragraph 0021-0026 and page 6, para 0107 and fig 4) column 2, paragraph 0026, the image sequence selected in the frame selecting, clip out the image sequence, select the first image in the image sequence as display image). Imagawa teaches display photo clips in a number of frames as shown in figure 4 and page 5, lines 0086-0088) and paragraph 0107) in which still image and thumbnail images disclosed that the user can see the photos at a glance.

Both Yi and Imagawa teaches still image display animate image, then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to store thumbnail form consecutive image in the Yi system, as evidenced by Imagawa, in order to, in an organized manner, easy to manage the consecutive frames of photographs at the display by selecting a frame of photo for view.

Claims 1,6,11, in line 1 and 2 respectively, recite "capable of", the underlined phrase is an intended use, claims that recite the intended use, and the reference inherently discloses the structure that permits the function to be performed.

Allowable Subject Matter

4. Claims 3-5,8-10,13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art (Yi and imagawa) do not teach a plurality of still images consecutively picked up by the consecutive photographing function are displayed in the image display screen and the still images selection the image display screen are displayed in the frame display screen and registered as animation and a reproduction speed of said still images registered as animation is variable and repeat setting in the still images registered as animation is variable.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

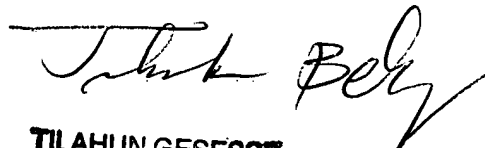
The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number,

unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

January 31, 2007


TILAHUN GESESSE
PRIMA MINER